

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 1271F**, an amendment to the **TRENDWOOD COMMUNITY UNIT PLAN**, requested by Somerset Apartments, Ltd., to add 12 multi-family dwelling units and delete the existing tennis courts, with associated waiver requests, on property generally located at South 84<sup>th</sup> Street and Van Dorn Street.

**STAFF RECOMMENDATION:** Conditional approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 08/09/00  
Administrative Action: 08/09/00

**RECOMMENDATION:** Conditional Approval (9-0: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer voting 'yes').

### **FINDINGS OF FACT:**

1. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.5-6.
2. The applicant's testimony is found on p.9-11.
3. Testimony in opposition is found on p.10, and the record consists of one letter and a petition in opposition bearing 35 signatures (p.25-27). The issues of the opposition are negative impact on surrounding residential property values; inadequate parking; increased traffic; litter and debris on Karl Ridge Road; use of residential driveways for turnaround by tenants; and late night parties. The photographs submitted by Duane Kulhanek in opposition are found on p.28-35, showing cars parked along the street and items currently in disrepair at the apartment complex.
4. The Planning Commission discussion is found on p.10-11. The applicant pointed out that the overall density of the community unit plan is well below what is allowable, but the density of this particular site is right at the ceiling. The applicant advised the Commission that there would be no further increase in the number of dwelling units on this site without a waiver of the cluster density. The applicant also believes that there is sufficient parking.
5. On August 9, 2000, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as set forth in the staff report dated July 31, 2000.
6. The Site Specific conditions of approval required to be completed by prior to scheduling this item on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** September 18, 2000

**REVIEWED BY:** \_\_\_\_\_

**DATE:** September 18, 2000

**REFERENCE NUMBER:** FS\CC\FSSP1271F

[illegible]

**DATE:** July 31, 2000

Add 12 multi-family dwelling units, delete existing tennis courts, reduce required parking, reduce the front yard setback along S. 84<sup>th</sup> Street, increase cluster density above 15 dwelling units per acre, and permit a 34' separation in lieu of 40' between the new multi-family building and the existing clubhouse.

Somerset Apartments Limited  
10050 Regency Cir., #101  
Omaha, NE 68114

Mark A. Hunzeker  
PO Box 91509  
Lincoln, NE 68509  
476-7621

## South 84<sup>th</sup> Street and Van Dorn Street

Lot 1, Block 5, Trendwood 9<sup>th</sup> Addition, located in the SE 1/4 of Section 34, Township 10 N, Range 7 E of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska (except that portion deeded to the City of Lincoln, NE by Instrument No. 00-015306).

12.59 acres more or less, based on the March 24, 2000 deed for additional ROW.

## R-3 with a Community Unit Plan

## EXISTING LAND USE:

Multi-family residential

## SURROUNDING LAND USE AND ZONING:

R-3 zoned single- and two-family housing to the west, R-1 zoned single family housing and vacant land to the north, AG zoned fields to the east, R-3 zoned vacant land and single family housing to the south.

## COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan shows the area as Urban Residential

**Urban Residential encompasses residential areas with densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (Page 44)**

### 1. Future Urban Residential Needs and Plan (page 44)

#### *Goals*

- ! Provide an environment for each neighborhood that promotes the safety and well-being of the residents and provides a sense of community.*
- ! Encourage efficient use of urban areas by providing for high density residential uses as an integral part of major, planned commercial and residential developments.*

## HISTORY:

- |                         |   |
|-------------------------|---|
| <b>August 15, 1971</b>  | The Mayor vetoed Change of Zone #1131, which would have changed the zoning at 84 <sup>th</sup> and Van Dorn from A-1 Single Family Dwelling to D Multiple Dwelling. The Mayor also vetoed Change of Zone #1132, which would have changed the zoning at 84 <sup>th</sup> and Van Dorn from A-1 Single Family Dwelling to G Local Business. |
| <b>1979</b>             | This area was converted from A-1 Single Family Dwelling to R-3 Residential in the 1979 Zoning Update.   |
| <b>March 14, 1988</b>   | City Council approved Special Permit #1271, the Trendwood C.U.P., consisting of 109 single family units, 12 duplex structures, and 108 multiple dwelling units (totaling 241 dwelling units).   |
| <b>October 30, 1989</b> | City Council approved Special Permit #1271-A, which adjusted the Trendwood C.U.P., consisting of 93 single family units, 25 duplex structures, 192 multiple dwelling units (totaling 335 dwelling units).   |
| <b>October 10, 1994</b> | City Council approved Special Permit #1271-B, which adjusted the Trendwood C.U.P., consisting of 113 single family units, 16 duplex structures, and 192 multiple dwelling units (totaling 337 dwelling units).  |

- |                      |   |
|----------------------|---|
| <b>May 6, 1996</b>   | City Council approved Special Permit #1271-C, which adjusted the Trendwood C.U.P. by replacing 20 single family structures with 18 two family structures and 2 single family structures. The C.U.P. now contained 95 single family units, 34 duplex structures, and 192 multiple dwelling units (totaling 355 dwelling units).  |
| <b>April 5, 1999</b> | City Council approved Special Permit #1271-D, which adjusted the Trendwood C.U.P. by adding 1 single family unit, 1 two-family structure, and waived sewer design standards for property at S. 84 <sup>th</sup> and Karl Ridge Road. The permit approved a maximum of 358 dwelling units.   |
| <b>Dec. 20, 1999</b> | Applicant withdrew application for Special Permit #1271-E, which would have adjusted the Trendwood C.U.P. by adding 12 multiple dwelling units on the north side of Karl Ridge Road.  |
| <b>July 3, 2000</b>  | City Council approved special permit #1817 for a cablevision building on the lot northwest of the intersection of Karl Drive and S. 84 <sup>th</sup> Street. The Planning Director has received a request for an administrative amendment to delete the lot, which is assigned a single family dwelling unit, from the community unit plan. This amendment will also reduce the number of dwelling units that could be allowed. |

#### **SPECIFIC INFORMATION:**

#### **UTILITIES:**

The Public Works & Utilities Department reports that the new building can be served by existing sewer and water serving the complex.

#### **TOPOGRAPHY:**

The land slopes to the east.

#### **TRAFFIC ANALYSIS:**

The additional 12 dwelling units will use the existing driveways to Karl Ridge Road and S. 82<sup>nd</sup> Street.

Van Dorn Street abutting the site is classified as an Urban Minor Arterial on the Future Functional Street and Road Classification in the Comprehensive Plan.

S. 84<sup>th</sup> Street abutting the site is classified as an Urban Principal Arterial on the Future Functional Street and Road Classification in the Comprehensive Plan.

Figure 31, Improvement for Future Road Network 1-20 year program shows 4 through lanes, left turn lane, raised medians with 120' of right-of-way along both S. 84<sup>th</sup> Street and Van Dorn Street abutting this site.

The City has purchased additional right-of- way along Van Dorn Street and S. 84<sup>th</sup> Street for the 84<sup>th</sup> Street project.

#### **PUBLIC SERVICE:**

The nearest Fire Station is located at 84<sup>th</sup> Street and South Street.

#### **REGIONAL ISSUES:**

There are no apparent issues.

#### **ENVIRONMENTAL CONCERNS:**

There are no apparent concerns.

#### **AESTHETIC CONSIDERATIONS:**

The developer has provided and maintained a well landscaped site.

#### **ANALYSIS:**

1. The proposed total 204 dwelling units at the required 2 parking spaces per dwelling unit would be 408 parking spaces. The applicant's letter requested a reduction to 1.97 parking spaces per unit. That would be 402 spaces.

Section 27.67.065 of the Zoning Ordinance allows the City Council to reduce the parking requirement to no less than one and one-half parking spaces per dwelling unit when the application includes information that justifies the reduction. A letter from the applicant's attorney indicates they have observed vacancies in the parking lot and in garage spaces and although there could be space for a few more spaces they think the tenants and the project as a whole are better served by keeping the area nicely landscaped.

2. The application requested a reduction of the standard 20' front yard. Based on the Public Works & Utilities Department construction drawings, that show additional ROW varying from 15.2 feet to 0 feet, the existing buildings and the new building are located back beyond the new front yard line. Before the application is scheduled on the City Council agenda the new ROW must be shown on the plans to confirm the setbacks of the buildings.
3. The Zoning Design Standards indicates that the maximum density in a cluster shall not exceed 15 dwelling units per acre in the R-3 District. The application requests an increase to 16.2. Because the existing multiple family buildings along S. 82<sup>nd</sup> Street and Karl Ridge Road are setback 30' and other buildings are located further back than the

minimum required 20' front yard, and considering the increased landscaping, the increase in density can be justified.

4. Regarding the amendment to the recreational opportunities the Parks & Recreation Department reports that typically a development of this size would include play equipment for children. If this complex includes families with children the recreation plan depicting the location and layout for a new play area should be submitted.
5. Regarding the reduction of the separation between buildings the Lincoln Fire Department has no objection.

**STAFF RECOMMENDATION:**

Conditional approval

**CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise the site plan to show:
    - 1.2.1 Indicate the trees that will be destroyed by the S. 84<sup>th</sup> Street project and provide additional landscaping to replace the destroyed trees.
    - 1.2.2 Indicate the number of dwelling units for each building.
    - 1.2.3 Indicate the new right-of-way line along S. 84<sup>th</sup> Street and Van Dorn Street and include the setback of each building.
    - 1.2.4 Indicate the number of parking spaces in each parking area.
    - 1.2.5 Indicate the width of the driving aisles, driveways, and parking spaces.
    - 1.2.6 Correct the spelling of KCarl Ridge Road.
    - 1.2.7 Eliminate general note 2.(it is not applicable)
    - 1.2.8 Update sheet C1-1 to include the latest amendments, lot numbers in the Legal Description, street names, land uses, right-of-way lines, and Density Calculations for the entire limits of the community unit plan.
    - 1.2.9 A recreation plan that has been approved by the Parks & Recreation Department.
    - 1.2.10 Fire hydrants located as approved by the Lincoln Fire Department.

1.2.11 Correct the number of parking spaces indicate under the title "Parking".

2. This approval permits:

- 2.1 368 total dwelling units.
- 2.2 A reduction of required parking from 408 to 402.
- 2.3 An increase of cluster density from 15 dwelling units per acre to 16.2.
- 2.4 A 34' separation in lieu of 40' between the new multi-family building and the existing clubhouse.
- 2.5 Reduce the front yard setback along S. 84<sup>th</sup> Street for only the new building if applicable.

General:

3. Before receiving building permits:

- 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies.
- 3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the new dwelling units all development and construction shall have been completed in compliance with the approved plans.
- 4.2 All privately-owned improvements including landscaping shall be permanently maintained by the owner.
- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Ray Hill  
Planner



**SPECIAL PERMIT NO. 1271F  
AN AMENDMENT TO THE TRENDWOOD 8<sup>TH</sup>  
ADDITION COMMUNITY UNIT PLAN**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

August 9, 2000

Members present: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer.

Planning staff recommendation: Conditional approval.

This application was removed from the Consent Agenda due to a petition and letter in opposition.

Rick Houck of Planning staff submitted a petition in opposition from neighbors in the area containing 35 signatures at approximately 32 addresses with concerns about the additional apartments causing inadequate parking, litter, use of driveway for turnaround, late night parties, and no place for visitors to park. Houck also submitted some photographs of the area which were submitted by one of the persons signing the petition in opposition. The pictures show cars parking on the street; however, the staff visiting the site did not find cars parking on the street.

Proponents

**1. Mark Hunzeker** appeared on behalf of the owner of the apartment complex. He was surprised by the petition in opposition. The resident manager went to every home on the opposite side of the streets abutting this complex a month before they even made an application and delivered a letter describing the project.

There is a tennis court on the land which they are currently occupying which is not being used. Over the years this tennis court has received little, if any, use, and the surveys of tenants indicate a desire to have a more elaborate setup in terms of an indoor workout facility. The idea was to utilize this space in order to accomplish that; however, to do that economically, the applicant needed a way to generate some revenue to pay for it. This proposal will use the entire lower level of the new building for several thousand square feet of recreational and fitness equipment; and then put the 12 additional units on the two floors above it. It will be a first-rate facility and will be made available to members of the community unit plan.

Relative to parking, Hunzeker noted that there are several buildings which back up to the perimeter roads and the parking for those is interior to the site. All of the doors facing outward toward the perimeter roads are locked from the outside. The intent is to place a 6' wrought iron fence around the perimeter and gate the private entryways to inhibit people from crossing from the street into the buildings. This will go a long way to prevent people from utilizing the street for parking. The applicant wants to work with the neighbors on the parking issue and is also prepared to request restricted parking on the streets abutting the complex. They are willing to go with two-hour parking or prohibiting it altogether. This owner has spent a lot of money over the last five years towards landscaping this site.

Hunzeker referred to the photographs submitted by the opposition. The existing repair items shown in the pictures are currently under contract and supposed to be repaired in the next couple of weeks.

Hunzeker clarified that there are currently 192 apartments in this fenced area. This proposal adds 12 apartment units. The buildings are approximately 5 ½ years old.

### Opposition

**1. Jack Fields**, 8121 Arrow Ridge Road, which is a little to the west of the apartment complex, prefaced his remarks with the fact that the apartments are good neighbors. He is opposed because of the parking problems. He counted 12 cars parked in both directions along Karl Ridge Road this morning. He has also used the apartment grounds when going for walks. There are a number of handicap stalls where cars without handicap tags are parking. This leads him to believe they may not have enough parking as it is. He does not know why they need 40' between buildings, but if this is the minimum spacing, then that is what should be required. He appreciates the offer to use the recreational facilities. He is Vice-President of the Arrow Ridge Townhouse Homeowners Assn. Another concern is access during construction. The 84<sup>th</sup> Street widening is also underway and it is going to be almost impossible for people coming out of that complex trying to get onto 84<sup>th</sup> on the Karl Ridge Road side. You cannot make a left turn across that street even now. He is concerned that the increased density will increase the number of cars going in and out.

Carlson inquired whether there was a maximum number of units when the CUP was originally approved. Houck advised that this complex is well less than that number. Special Permit 1271C done back in the late 80's or early 90's would have allowed 504 dwelling units. A small portion was removed for the Cablevision building, so it's probably down to 502 maximum units allowable. This application is still well under the maximum allowable units.

Hunter wondered how the setbacks remain to be in conformance with an additional building. Houck agreed that the area is fairly well built-out now. The setbacks on the surrounding streets were all met except in this individual case. The 40' separation between buildings is a health, safety and fire code requirement.

Carlson inquired whether additional units will require removal of some of the landscaping. Is there any way we can say to the neighbors that this is pretty much built to the maximum? Houck advised that anything else would have to come back to the Planning Commission and City Council again. From a design standpoint, he believes it would be difficult to do any additional building on the site of any substantial nature.

Hunter inquired whether the same zoning was in place when this development was originally done. In other words, when people built their houses in the area, was the multi-family designation in place? Houck stated that it was not a multi-family designation, but it was part of the community unit plan and they should have been aware of the multi-family for the area.

With regard to the problem of parking on the exterior streets, Schwinn wondered whether there is any way to get those extra six parking places. Houck believes there are areas that could allow additional

parking. The Planning Commission could require that the 408 parking stalls be provided rather than granting the waiver. Houck did not know how many were handicap stalls, but he presumes 4%, which is required by ADA, maybe 15-16 stalls.

#### Response by the Applicant

With regard to the waiver of the setback between buildings, Hunzeker advised that this refers to a provision that states that between one-story buildings there has to be 30' separation and between buildings of three or more stories, it has to be 40'. The waiver being requested is between the new proposed three-story building and the existing clubhouse building, which is a one-story building. Hunzeker stated that he tried to suggest to codes that they didn't need to meet the 40' spacing because they are not both three-story buildings. All of the other setbacks are met or exceeded, including the setback along 84<sup>th</sup> Street. They had requested a waiver along 84<sup>th</sup> Street due to the 84<sup>th</sup> Street widening project; however, that waiver is no longer needed.

Hunzeker advised that no more units could be constructed without a waiver of the cluster density. The overall density of the community unit plan is well below what is allowable, but the density of this particular site is right at the ceiling. In fact, it goes one unit per acre over with this project. "We're done." We can't really do any more. It is possible to put more parking stalls, but they do not believe it is necessary or more desirable because they would have to tear out some landscaping to do it. Hunzeker believes there is plenty of vacant parking on a regular basis.

Carlson asked Hunzeker whether he has any sense of direction from the owners as to further increase in dwelling units. Hunzeker believes this is it because there isn't a place to do it. It would require taking down one or more buildings and it would create parking problems.

Public hearing was closed.

#### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

August 9, 2000

Schwinn moved approval of the Planning staff recommendation of conditional approval, seconded by Duvall and carried 9-0: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer voting 'yes'.